

Amendment No. 1 to HB1655

Pinion  
Signature of Sponsor

**AMEND Senate Bill No. 1674\***

**House Bill No. 1655**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

By deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 8, Part 1, is amended by adding the following as a new section thereto:

§ 55-8-194.

(a) No airport limousine, limousine, sedan, shuttle or taxicab driver shall operate a vehicle on any highway while using a hand held mobile telephone while such vehicle is in motion and such vehicle is transporting passengers for a fee; provided, however, that this section shall not apply to mobile telephone or two-way radio communications made to and from a central dispatch, or its equivalent, regarding the passenger's route.

(b) For the purposes of this section, unless the context otherwise requires:

(1) "Airport limousine" means every vehicle designed and/or constructed to accommodate and transport passengers, not more than twelve (12) in number, exclusive of the driver, having an operating agreement with an airport providing for a fixed passenger fare and a fixed schedule, the principal operations of which airport limousine is confined to areas between the airport and fixed points in municipalities, counties and the suburbs of the same within a forty (40) mile radius of such airport;

(2) "Limousine" means any motor vehicle except a taxicab or sedan designed or constructed to accommodate and transport passengers for hire, with an extended wheel base and expanded seating capacity designed for the transportation of persons. The vehicle shall have additional rear seating capacity, area, and comforts; and shall be designed to transport not more than fourteen (14) persons, exclusive of the chauffeur/driver, and the principal operation of

such vehicle is confined to the area within the corporate limits of cities and suburban territory adjacent thereto;

(3) "Mobile telephone" means a cellular, analog, wireless or digital telephone;

(4) "Sedan" means any motor vehicle except a limousine or taxicab designed or constructed to accommodate and transport passengers for hire that does not have an extended wheel base or an expanded seating capacity designed for the transportation of persons. The vehicle has no additional rear seating capacity, area or comforts; is designed to transport not more than five (5) passengers, exclusive of the chauffeur/driver, the principal operation of which is confined to the area within the corporate limits of cities and suburban territory adjacent thereto, and is not operated on a fixed route or schedule;

(5) "Shuttle" means any motor vehicle designed or constructed to accommodate and transport not more than fifteen (15) passengers for hire, exclusive of the driver, the principal operation of which is confined to the area within the corporate limits of cities and suburban territory adjacent thereto, and is operated on a fixed route or schedule; and

(6) "Taxicab" means any motor vehicle except a limousine or sedan designed or constructed to accommodate and transport not more than nine (9) passengers for hire, exclusive of the driver, the principal operation of which is confined to the area within the corporate limits of cities and suburban territory adjacent thereto, and is not operated on a fixed route or schedule.

(c) A violation of this section is a Class C misdemeanor punishable only by a fine of fifty dollars (\$50.00).

(d) It is an affirmative defense to prosecution under this section, which must be proven by a preponderance of the evidence, that the driver's use of a mobile telephone was necessitated by a bona fide emergency.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.

